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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/030,601

01/09/2002

David John Weaver

RCA 88813

6446

7590

12/15/2006

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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/030,601		WEAVER ET AL.	
	Examiner		Art Unit	
	Pramila Parthasarathy		2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-10 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-10,12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Applicant's submission filed on September 25, 2006 has been entered and made of record.

Response to Arguments

3. Applicant's arguments filed on September 25, 2006 have been fully considered.
4. Applicant's arguments with respect to 35 U.S.C. 112 rejection is persuasive. Examiner hereby withdraws 112 rejection.

5. Applicant's arguments with respect to Claims 1 – 5, 7 – 10, 12 – 17 are not persuasive. Applicant argues that the limitation "entitlement" is referenced in instant specification as "entitlement management message" and that "an entitlement management message provides information as to a right to receive or use particular content". Examiner agrees that the instant specification discloses, "The entitlements, typically known as "entitlement management messages" as {EMM}, that are associated with particular downloadable software applications" (See instant page 4 lines 16 – 27). Examiner would also like to point out that in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "entitlement management message") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner suggests amending the independent claims to clearly recite the limitation "entitlement management messages" and "entitlement that are associated with particular downloadable software applications".

Applicant further argues that the prior arts (Chan U.S. Patent Number 6,233,683) do not teach "verifying that an entitlement contained in the integrated circuit card is correct for receiving the content" and "storing the reusable content in response to the verification". These arguments are not persuasive.

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With respect to ““verifying that an entitlement contained in the integrated circuit card is correct for receiving the content” and “storing the reusable content in response to the verification”, Applicants attention is requested to the instant specification wherein entitlement can be preloaded entitlement that are included with the purchase of the smartcard (instant specification page 4-5) and Chan discloses that only the contents that have unique signature can be downloaded (storing the reusable content) after verifying that the preloaded signature is valid (verifying that an entitlement is correct) (See Chang Column 12 lines 14 – 67).

Therefore, the examiner respectfully asserts that the cited prior art does teach or suggest the amended subject matter broadly recited in the independent claims. The dependent claims are rejected at least by virtue of their dependency on the dependent claims. Accordingly, the rejection for the pending claims 1 – 5, 7 - 10 and 12 – 17 is respectfully maintained.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1 – 5, 7 – 10 and 12 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al. (U.S. Patent Number 6,233,683).

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Regarding Claim 1, Chan teaches receiving content broadcast from a server (Column 3 lines 38 – 45 and Column 12 lines 14 – 53);

verifying that an entitlement contained in the integrated circuit card is correct for operatively receiving the content (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

receiving the reusable content from the server via the terminal in response to the verification (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

storing the reusable content in response to the verification, and verifying that the entitlement is correct for reuse when reuse of the content is attempted (Column 3 lines 38 – 45 and Column 12 lines 14 – 67).

Regarding Claim 10, Chan teaches a terminal, communicatively coupled to the server, having a processor for processing the download of the content from the server, a memory for receiving the downloaded content and an integrated circuit card interface circuit (Column 3 lines 38 – 45; Column 4 line 52 – Column 5 line 51 and Column 12 lines 14 – 53);

wherein an integrated circuit card, coupled to said interface circuit, provides an entitlement message enabling said terminal to download the content from a server, the integrated circuit card containing an entitlement database for storing a plurality of entitlements (Column 3 lines 38 – 45 and Column 12 lines 14 – 53);

and wherein the integrated circuit card provides an entitlement message enabling said terminal to reuse the content from a server (Column 3 lines 38 – 45 and Column 12 lines 14 – 46).

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Regarding Claim 17, Chan teaches a receiver communicatively coupled to a server and adapted to receive reusable content from the server (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

an integrated card interface adapted receive an integrated circuit card (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

a memory(Column 3 lines 38 – 45 and Column 4 lines 52 – 61);

a processor coupled to the receiver, the integrated card interface, and the memory, the processor enabling reusable content from the server to be received and stored in the memory in response to entitlement information received via the integrated card interface, the processor enabling reuse of the reusable content stored in memory in response to entitlement information received via the integrated card interface (Column 3 lines 38 – 45; Column 4 lines 52 – 61 and Column 12 lines 14 – 67).

Claim 2 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the content is a software application (Column 3 lines 7 – 45; Column 6 lines 54 – 61 and Column 12 line 54 – Column 13 line 18).

Claim 3 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the content is multimedia content (Column 5 lines 17 – 51).

Claims 4 and 12 are rejected applied as above in rejecting Claims 1 and 10. Furthermore, Chan teaches wherein the integrated circuit card contains preloaded entitlements authorizing said handling of the content (Column 5 line 52 – Column 6 line 19).

Claim 5 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein at least one said entitlement is loaded into the integrated circuit card from the server (Column 8 lines 10 – 54).

Claim 8 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches updating an entitlement database on said integrated circuit card after an entitlement is used to download said content (Column 7 line 51 – 65).

Claim 9 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches downloading an entitlement for a desired content; and storing said downloaded entitlement into said integrated circuit card (Column 3 lines 7 – 45; Column 6 lines 54 – 61 and Column 12 line 54 – Column 13 line 18).

Claims 7, 13 and 15 are rejected applied as above in rejecting Claims 1, 10 and 14. Furthermore, Chan teaches wherein the reusable content is encrypted, and further comprising: decrypting the encrypted part of the content from the server as a function of

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the entitlement when one of use and reuse of the content is attempted (Column 12 lines 14 – 53).

Claim 16 is rejected applied as above in rejecting Claim 14. Furthermore, Chan teaches a transmitter coupled to the processor adapted to transmit a request for new entitlement information to an entitlement server (Column 3 lines 38 – 45; Column 4 lines 52 – 61 and Column 12 lines 14 – 67).

Claim 17 is rejected applied as above in rejecting Claim 14. Furthermore, Chan teaches the processor adapted to cause the new entitlement information received via the receiver to be transmitted to an attached integrated circuit card via the integrated card interface (Column 3 lines 38 – 45; Column 4 lines 52 – 61 and Column 12 lines 14 – 67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

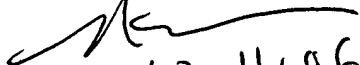
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

December 10, 2006.

NASSER MOAZZAMI
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12, 11, 06